

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PIERRE LAGRANGE and G&S TRUSTEES
LIMITED,

Plaintiffs,

-against-

KNOEDLER GALLERY, LLC d/b/a, KNOEDLER
& COMPANY, and ANN FREEDMAN

Defendants.

11-CV-8757 (PGG)
ECF CASE

DECLARATION OF E.A. CARMEAN JR.

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am an adult citizen of the United States, and except for those matters stated on information and belief, which I believe to be true, I have personal knowledge of the facts stated herein, and, if called as a witness, I could and would competently testify thereto.

2. I am an art historian and scholar of abstract expressionist art. I have worked as a curator and director of the Modern Art Museum in Fort Worth, Texas; the curator of twentieth-century art at the National Gallery of Art in Washington, D.C.; and curator of twentieth-century art at the Museum of Fine Arts in Houston, Texas. I received a B.A. from MacMurray College in Jacksonville, Illinois, where I have since received an honorary doctorate in fine arts, and did graduate work at the University of Illinois. I am the recipient of Guggenheim and the National Endowment of the Arts fellowships, and have taught art history at George Washington University, Rice University and the University of Illinois.

3. I have particular expertise regarding the works of Jackson Pollock. As director of the Modern Art Museum in Fort Worth, I oversaw that museum's acquisition of 18 works by

Jackson Pollock from the Pollock-Krasner Foundation. In addition, while curator of twentieth-century art at the National Gallery, I was responsible for that museum's acquisition of Pollock's *Number 1, 1950 (Lavender Mist)*, which is one of the artist's most recognizable and widely acclaimed works.

The Rosales Collection

4. I believe that I first became acquainted with Ann Freedman when I was a curator and she was employed at the Andre Emmerich Gallery.

5. Over time I learned from Ms. Freedman that Knoedler acquired a number of previously undiscovered paintings that Ms. Freedman believed had been created by leading abstract expressionist artists, such as Jackson Pollock, Mark Rothko, Robert Motherwell, Willem de Kooning, and Clyfford Still (these paintings are referred to collectively herein as the "Rosales collection").

6. Ms. Freedman told me that the works from the Rosales Collection were being obtained from a private source, and she asked me to view a number of these works. I recall viewing several of these works.

7. I am familiar with a number of these works, including the work purportedly made by Jackson Pollock that I am told was purchased by Pierre LaGrange and G&S Trustees Limited (the "Silver Pollock") and the work purportedly made by Mark Rothko that I am told was purchased by Domenico and Eleanore De Sole (the "De Sole Rothko").

8. Ms. Freedman contacted me to ask my opinion, as a scholar, about these and other works from the Rosales collection. She also asked for my opinion as to how these works fit into the artists' bodies of work. I viewed the works, and gave my opinion, and subsequently gave my opinion in writing analyzing and interpreting a number of the works.

9. Although the works were somewhat small in size, this did not cause me concern. I was convinced of the works' authenticity because of the quality of the artistic statement, and the variety, depth, and breadth of the works.

10. Although it is not definitive proof, I am further convinced that the works from the Rosales collection are by the artists because of how difficult it would be for an individual to create forgeries that master so many different artists with such distinctive styles.

11. While it is unusual for such a large collection of important artwork to come from a single unidentified source, it is certainly not impossible. In my opinion, both the variety and number of the paintings could lend credence to their authenticity.

12. I believed that if these works were forgeries, the person responsible would have to have been a master forger, with an incredible knowledge of art history.

13. Ms. Freedman told me that it was her belief that the works were acquired by an unknown collector and that the present owner chose to remain anonymous, and that the works had been kept in storage.

14. Ms. Freedman stated from the very beginning that the paintings came from a source who was acting on behalf of the anonymous owner, whom the source would not reveal and Ms. Freedman did not know.

The Greenish Pollock

15. I understand that at some point an individual named Jack Levy purchased a painting from the Rosales collection purportedly made by Jackson Pollock (the "Greenish Pollock"), and that in or about 2003, the International Foundation for Art Research ("IFAR") reported that it could not reach an opinion concerning the authenticity of that work.

16. I have viewed the Greenish Pollock and I believe that it was made by the hand of Jackson Pollock.

17. I have reviewed the IFAR report and I do not find it convincing. I believe I communicated this conclusion to Ms. Freedman. IFAR never asked for my opinion on the authenticity of the Greenish Pollock. The IFAR report did not change my conclusion that the Greenish Pollock is by Jackson Pollock.

The Silver Pollock

18. When Knoedler acquired the Silver Pollock, Ms. Freedman invited me to view the work at Knoedler and to write about it.

19. Ms. Freedman never told me that the Silver Pollock would be included in a supplement to the Pollock catalogue raisonné.

20. I understand that Mr. Lagrange was given a list of experts that viewed the Silver Pollock. I understand that I was on that list. Neither Mr. Lagrange nor any of his agents ever contacted me to discuss the Silver Pollock before Mr. Lagrange purchased the Silver Pollock. Nor did Jamie Frankfurt, Frankfurt LLC, Timothy Taylor, or G&S Trustees Limited.

21. I have since learned that Pierre Lagrange purchased the Silver Pollock in November 2007 for approximately \$17 million.

22. I continue to believe that the Silver Pollock is by the artist.

The De Sole Rothko

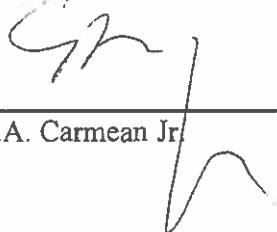
23. I viewed the De Sole Rothko after it was acquired by Knoedler, and I considered the work to be impressive, and very typical of Rothko's style.

24. I understand that the De Soles were given a list of experts that viewed the De Sole Rothko. I understand that I was on that list. None of the De Soles or any of their agents ever contacted me to discuss the De Sole Rothko before they purchased the work. Nor did James Kelly or James Kelly Contemporary Gallery.

25. I continue to believe the De Sole Rothko is by the artist.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of May, 2012, at Washington, D.C.



E.A. Carmean Jr.
